

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
COLUMBIA DIVISION

WESLEY WILLIAMS and PHILLIP WILLIAMS,)	NO. _____
)	
Plaintiffs,)	JUDGE _____
)	
v.)	MAGISTRATE JUDGE
)	_____
REMOND CROOM and CRETE CARRIER CORPORATION,)	
)	JURY DEMAND
)	
Defendants.)	

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. § 1332, 1441, and 1446, defendant Crete Carrier Corporation (“Crete Carrier” or “Defendant”), by counsel, files this Notice of Removal of this action from the Circuit Court in Maury County, Tennessee, where it is now pending, to the United States District Court for the Middle District of Tennessee based upon diversity of citizenship and an amount in controversy exceeding \$75,000. The grounds for removal are as follows.

Procedural Background

1. This action was commenced on or about December 2, 2021 by Plaintiffs’ filing of the Complaint in the Maury County Circuit Court in Maury County, Tennessee, case no. 17155 (the "Complaint"). True and accurate copies of the pleadings served upon this Defendant in this action are attached as Exhibit A.

2. The Complaint was served on this Defendant on or about December 9, 2021. The Notice of Removal is being filed within thirty (30) days after service of the Complaint on this Defendant in the matter; therefore, the removal is timely in accordance with 28 U.S.C. § 1446. Undersigned counsel is also representing defendant Croom in this matter. He was served after Crete Carrier but the precise date of service is unknown.

3. The Complaint contains allegations of negligence and negligence per se against defendant Croom in operating the vehicle without exercising ordinary and due care, thus leading to Plaintiffs' injuries. It contains allegations of vicarious liability against Crete based on its employment of defendant Croom and direct liability against Crete based on negligent entrustment of a vehicle to defendant Croom.

4. Plaintiffs' Complaint seeks damages in excess of \$25,000. Defendants' counsel talked to Plaintiffs' counsel about the damages being sought, and Plaintiffs' counsel confirmed he will be seeking more than \$75,000 in damages in the pending matter. Accordingly, this Court has jurisdiction over the matter

5. According to the Complaint, plaintiff Wesley Williams is a citizen and resident of Lawrence County, Tennessee.

6. According to the Complaint, plaintiff Phillip Williams is a citizen and resident of Lawrence County, Tennessee.

7. Defendant Crete Carrier Corporation was incorporated in Nebraska and has its principal place of business in Lincoln, Nebraska.

8. Defendant Rankins is a citizen and resident of the State of Texas.

9. The United States District Court for the Middle District of Tennessee has original jurisdiction over this action pursuant to 28 U.S.C. § 1332 as there is complete diversity of the parties, and the amount in controversy exceeds \$75,000 exclusive of interest and costs.

10. A copy of this Notice of Removal is being served via email on counsel for Plaintiff, and a Notice of Filing of Notice of Removal is being filed with the Maury County Circuit Court in Maury County, Tennessee, in accordance with 28 U.S.C. § 1446(d). (Copies

of those notices are attached as Exhibit B.) The necessary filing fees have been paid simultaneously with the filing of the Notice of Removal.

11. Defendants demand a jury to try this case.

WHEREFORE, defendant Crete Carrier Corporation prays this Court consider the Notice of Removal as provided by law governing removal of cases to this Court and that this Court enter the appropriate orders to affect the removal of this case from the Maury County Circuit Court in Columbia, Tennessee to this Court.

Respectfully submitted,

LEWIS THOMASON, P.C.

By: /s/Mary Beth White

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Attorneys for defendant Crete Carrier Corporation

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing NOTICE OF REMOVAL has been served on the following counsel of record via email and through the Court's electronic filing system:

R. Burke Keaty, Esq.
Morgan & Morgan – Nashville, PLLC
810 Broadway, Suite 105
Nashville, TN 37203

This the 5th day of January 2022.

/s/Mary Beth White